IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

e. Appln.:

John Underbrink

pplication No.:

10/652,112

Filing Date:

August 29, 2003

For:

FOLDING SINK

Examiner:

Khoa D. Huyhn

Art Unit:

3751

Attorney:

Gerald E. Helget

Attorney Docket No.: 35249.26

Additional Fees:

Charge to Deposit Account No. 023732

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P. §708.02)

Applicant hereby petitions to make this application special because of actual infringement.

Accompanying material: 1.

Accompanying this petition is:

a Statement by Attorney in Support of Petition to Make Special Because of **Actual Infringement**

Respectfully submitted,

Gerald E. Helget (Reg. No. 30,948)

Briggs and Morgan, P.A. 80 South Eighth Street

2200 IDS Center

Minneapolis, MN 55402 Telephone: (612) 977-8480

CERTIFICATE OF MAILING

I hereby certify that this document and the documents identified above, are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Dated

09/28/2004 YPOLITE1 00000017 10652111

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EINITED STATES PATENT AND TRADEMARK OFFICE

Re. Apply BADENA John Underbrink

Application No.:

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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P. §708.02)

Applicant hereby petitions the Office to make the above-referenced United States Patent Application special, as follows:

- There is an infringing device or product actually on the market. In particular, 1. an infringing product is actually being marketed by Jobar International, Inc., 21022 Figueroa St., Carson, CA 90745 (attached).
- A rigid comparison of the alleged infringing product with the claims of the 2. application has been made. In my opinion, some of the claims are unquestionably infringed.
- I have a good knowledge of the pertinent prior art. The references most 3. closely related to the subject matter encompasses by the claims are already of record.

Gerald E. Helget

Attorney for Applicant

▶ Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

COLPE	<u> </u>	Complete if Known			
FEETRANSMITTAL	Application Number	10/652,111			
SEP 2 7 200 FOT FY 2004	Filing Date	August 29, 2003			
	First Named Inventor	John Underbrink			
Effective 10/01/2000. Patent fees are subject to annual revision.	Examiner Name	Khoa D. Huynh	·		
Applicants aims small entity status. See 37 CFR 1.27	Art Unit	3751			
TOTAL AMOUNT OF PAYMENT (\$) 130.00	Attorney Docket No.	35249.26	/		

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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)								
☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order ☐ Deposit Account:		3. ADDITIONAL FEES								
		<u>Large</u>	Entity	Small E	ntity					
			•	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	
Deposit	02-3732			1051	130	2051	(*) 65	Surcharge - late filing fee or oath		
Account 02-3732 Number					50	2052	25	Surcharge - late provisional filing fee or cover sheet.		
Deposit				1053	130	1053	130	Non-English specification		
Account Briggs & Morgan, P.A.				1812	2,520	1812	2,520	For filing a request for reexamination		
Name The Director is authorized to: (check all that apply)					920*	1804	920*	Requesting publication of SIR prior to Examiner action		
☐ Charge fee(s) indicated below ☐ Credit any overpayments ☐ Charge any additional fee(s) during the pendency of this application				1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
☐ Charge fee(s) indicated below, except for the filing fee					110	2251	55	Extension for reply within first month		
to the above-id	to the above-identified deposit account. FEE CALCULATION				420	2252	210	Extension for reply within second month		
4 DACIC				1253	950	2253	475	Extension for reply within third month		
1. BASIC Large Entity	FILING FEI			1254	1,480	2254	740	Extension for reply within fourth month		
Fee Fee	Fee Fee		Fee Paid	1255	2,010	2255	1,005	Extension for reply within fifth month		
Code (\$) 1001 770	Code (\$) 2001 385		ree Faid	1401	330	2401	165	Notice of Appeal		
1001 770	2001 38	•		1402	330	2402	165	Filing a brief in support of an appeal		
1002 540	2002 176			1403	290	2403	145	Request for oral hearing		
1004 770	2004 385	5 Reissue filing fee		1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1005 160	2005 80	Provisional filling fee		1452	110	2452	55	Petition to revive – unavoidable	**	
SUBTOTAL (1) (\$) 0					1,330	2453	665	Petition to revive - unintentional		
					1,330	2501	665	Utility issue fee (or reissue)		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				1502	480	2502	240	Design issue fee		
		Extra Fee fr		1503	640	2503	320	Plant issue fee		
Total Claims	-20 **	= 0 X below	Paid = 0	1460	130	1460	130	Petitions to the Commissioner	130.00	
Independent				1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)		
Claims	-3 **	= 0 X	= 0	1806	180	1806	180	Submission of Information Disclosure Stmt		
Multiple Dependent Large Entity	ı Small <u>E</u>	X	= 0	8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
Fee Fee Code (\$)		Fee Fee Description	1	1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	·	
1202 18	2202	9 Claims in excess	•	1810	770	2810	385	For each additional invention to be		
1201 86	2201	•	ms in excess of 3					examined (37 CFR § 1.129(b))		
1203 290	2203	·	ent claim, if not paid	1801	770	2801	385	Request for Continued Examination (RCE)		
1204 86	2204	original patent	endent claims over	1802	900	1802	900	Request for expedited examination of a design application		
1205 18	2205	9 ** Reissue claim over original pat	s in excess of 20 and ent							
			0 0	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 130.00						
**or number previously paid, if greater, For Reissues, see above										
Complete (if applicable)										

SUBMITTED BY Complete (if applicable) Registration No. 612.977.8480 (Attorney/Agent) 30,948 Telephone Name (Print/Type) Gerald E. Helget Date Signature

WARNING: Information on this form may become public. Credit card information should not be

included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.